

FORM PTO-1390  
(REV. 10-2003)

U.S. DEPARTMENT OF COMMERCE AND PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER  
2003946-0148 (PITA/US)TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371U.S. APPLICATION NO. (If known, see 37 CFR 1.5)  
NOT YET ASSIGNED

107501120

INTERNATIONAL APPLICATION NO. PCT/US03/00390	INTERNATIONAL FILING DATE January 8, 2003	PRIORITY DATE CLAIMED January 8, 2002
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## TITLE OF INVENTION

## EPONEMYCIN AND EPOXOMICIN ANALOGS AND USES THEREOF

## APPLICANT(S) FOR DO/EO/US

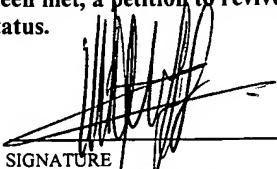
Agoulnik *et al.*

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1.  This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2.  This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3.  This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4.  The US has been elected (Article 31).
5.  A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
  - a.  is attached hereto (required only if not communicated by the International Bureau)  
**Publication WO/059898 A2 (132 pp., including 2 cover pages)**
  - b.  has been communicated by the International Bureau.
  - c.  is not required, as the application was filed in the United States Receiving Office (RO/US).
6.  An English language translation of the International Application as filed (35 U.S.C. 371 (c)(2)).
  - a.  is attached hereto.
  - b.  has been previously submitted under 35 U.S.C. 154(d)(4).
7.  Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3)).
  - a.  are attached hereto (required only if not communicated by the International Bureau).
  - b.  have been communicated by the International Bureau.
  - c.  have not been made; however, the time limit for making such amendment has NOT expired.
  - d.  have not been made and will not be made.
8.  An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
9.  An oath or declaration of the inventor(s) (35 U.S.C. (c)(4)).
10.  An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).

## Items 11 to 20 below concern document(s) or information included:

11.  An Information Disclosure Statement under 37 CFR 1.97 and 1.98. **(6 pp.)**
12.  An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13.  A preliminary amendment. **(29 pp.)**
14.  An Application Data Sheet under 37 CFR 1.76.
15.  A substitute specification.
16.  A power of attorney and/or change of address letter.
17.  A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 – 1.825.
18.  A second copy of the published international application under 335 U.S.C. 154(d)(4).
19.  A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20.  Other items or information:
  - Appendix A – PCT Article 34 Amendment **(33 pp. including cover sheet)**.
  - Appendix B – International Preliminary Examination Report **(23 pp. including cover sheet)**
  - Cited art (17 references) excluding copies of US patents
  - Form PTO – 1449 **(2 pp.)**
  - Return Postcard
  - Certificate of Express Mailing **(1 pg.)**

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) NOT YET ASSIGNED 10/6501120	INTERNATIONAL APPLICATION NO. PCT/US03/00390	ATTORNEY'S DOCKET NUMBER 2003946-0148 (PITA/US NATL)		
21. <input checked="" type="checkbox"/> Other items or information: <b>BASIC NATIONAL FEE (37 CFR 1.492 (A) (1) – (5)):</b>		<b>CALCULATIONS PTO USE ONLY</b>		
Neither international examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO..... \$1080.00				
International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO..... \$920.00				
International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO..... \$770.00				
International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4)..... \$730.00				
International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4)..... \$100.00		\$ 920.00		
<b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b>				
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492 (e)).		\$		
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	
Total claims	186 - 20 =	166	166 x \$18.00	\$2,988.00
Independent claims	2 - 3 =	0	0 x \$86.00	\$ 0.00
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$290.00	\$ 290.00
		<b>TOTAL OF ABOVE CALCULATIONS =</b>	\$4,198.00	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by ½.			\$	
		<b>SUBTOTAL =</b>	\$4,198.00	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492 (f)).			\$	
		<b>TOTAL FEES ENCLOSED =</b>	\$4,198.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +			\$	
		<b>TOTAL FEES ENCLOSED =</b>	\$4,198.00	
		Amount to be refunded:	\$	
		charged:	\$	
<p>a. <input checked="" type="checkbox"/> A check in the amount of \$ 4,198.00 to cover the above fees is enclosed.</p> <p>b. <input type="checkbox"/> Please charge my Deposit Account No. 03-1721 in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 03-1721. A duplicate of this sheet is enclosed.</p> <p>d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. <b>Credit card information should not be included on this form.</b> Provide credit card information and authorization on PTO-2038.</p>				
<p><b>NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.</b></p>				
SEND ALL CORRESPONDENCE TO:				
Patent Group Choate, Hall & Stewart Exchange Place 53 State Street Boston, Massachusetts 02109				
 SIGNATURE <b>Nadege M. Lagneau, Ph.D.</b> NAME <b>51,908</b> REGISTRATION NUMBER				

Rec'd PCT/PTO 08 JUL 2004  
10/501120

ATTORNEY DOCKET No.: 2003946-0148 (PITA/US)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Agoulnik *et al.*

Examiner: NYA.

Serial No: NYA

Group Art Unit: NYA

Filing Date: July 8, 2004

Corresp. to: PCT/US03/00390

Int. Filing Date: January 8, 2003

Earliest Priority: January 8, 2002

Title: EPONEMYCIN AND EPOXOMICIN ANALOGS AND USES  
THEREOF

Mail Stop: PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**Certificate of Express Mailing**

I hereby certify that the foregoing documents are being deposited with the United States Postal Service as "*Express Mail Post Office to Addressee*" service under 37 C.F.R. 1.10 in an envelope addressed to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date of July 8, 2004.

*Kathy Hart Gagnon*  
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Kathy Hart Gagnon  
Express Mail No.: EV 314105049 US